| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1948  Responded to: xx August 2023 |
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Your recent request for information is replicated below, together with our response.

## I write under the terms of the Freedom of Information Act to request the number of under 16's who were arrested for drug offences (including possession and intent to supply) between August 2022 and June 2023.

## As part of this request, I would like the information to be broken down into the following;

## i) The number of under 16's arrested for drug offences, broken down into months and a grand total;

## ii) The number of under 16's arrested for drug offences, broken down into offence type (e.g. possession, intent to supply);

## iii) Out of the grand total, how many under 16's were arrested for possession and supply of Class A substances, and how many under 16's were arrested for supply of Class A substances;

## iv) Out of the grand total, how many under 16's were arrested for possession and supply of Class C substances, and how many under 16's were arrested for supply of Class C substances;

In 2018, the Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practical and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person (of either classification) will have their details recorded in the Police Scotland National Custody System.

The Act however also provides for certain situations whereby a person must be released from police custody prior to their arrival at a police station - effectively allowing the police to ‘de-arrest’ that person where the reasonable grounds for suspicion no longer exist.

In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System**.**

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request. As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Furthermore, the crime recording systems used by Police Scotland have no facility whereby the age of the accused nor the drug type can be easily extracted. The only way to establish this level of detail is to read each individual associated crime report. In this instance, case by case assessment of all relevant drug offences would require to be carried out to establish whether the Accused was under the age of 16 years old and the class of drug it related to. This would involve examining thousands of crime reports and as such, this is an exercise which I estimate would in itself far exceed the cost limit set out in the Fees Regulations.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.